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22 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF NEVADA

23 ORACLE USA, INC., a Colorado
corporation; ORACLE AMERICA, INC.,
24 a Delaware corporation; and ORACLE
INTERNATIONAL CORPORATION, a
California corporation,

25 Plaintiffs,

26 v.
27 RIMINI STREET, INC., a Nevada
corporation; and SETH RAVIN, an
individual,

28 Defendants.

CASE NO. 2:10-cv-0106-LRH-PAL

**RIMINI STREET, INC.'S AND SETH RAVIN'S
MOTION FOR LEAVE TO FILE UNDER SEAL
PORTIONS OF THEIR OPPOSITION TO
ORACLE'S MOTION FOR ATTORNEYS'
FEES AND COSTS AND ACCOMPANYING
DOCUMENTS**

1 Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by
 2 the Court on May 21, 2010 (*see* Dkt. 55, “Protective Order”), Local Rule 10-5(b), and Rules 5.2 and
 3 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin
 4 (together, “Rimini”) respectfully request that the Court grant leave to file under seal portions of their
 5 Opposition to Oracle’s Motion for Attorneys’ Fees and Costs (“Opposition”) and the accompanying
 6 Declarations (including exhibits), of Dennis L. Kennedy (“Kennedy Declaration”); Professor William
 7 G. Ross (“Ross Declaration”); John L. Trunko (“Trunko Declaration”) and Exhibits B-1, B-2, B-3, B-
 8 4, C-1, C-2, C-3, C-4, D, E-1, E-2, F, G, H, I-1, I-2, J, K, L, M, N-1, N-2, N-3, N-4, O-1, O-2, O-3,
 9 P-1, P-2, Q-1, Q-2, Q-3, Q-4, Q-5, Q-6, Q-7, Q-8, Q-9, and Q-10; Timothy M. Opsitnick (“Opsitnick
 10 Declaration”); Thomas D. Vander Veen (“Vander Veen Declaration”); and Robert H. Reckers
 11 (“Reckers Declaration”) and Exhibits B, I, J, K, L, M, N; as well as the Evidentiary Objections to
 12 Evidence Submitted in Support of Oracle’s Motion for Attorneys’ Fees and Costs (“Evidentiary
 13 Objections”). The sealed portions of these documents reflect information that Oracle, Rimini, or a
 14 third party has designated “Confidential” or designated “Highly Confidential – Attorneys’ Eyes
 15 Only” under the Protective Order. Public, redacted versions of these documents were filed on March
 16 8, 2016. *See* Dkts. 998, 999, 1000, 1001, 1002, 1003, 1004, 1005. Additionally, also on March 8,
 17 2016, unredacted versions of these documents were filed under seal. *See* Dkts. 1006, 1007, 1008,
 18 1009, 1010, 1011, 1012, 1013.

19 The Protective Order states, “Counsel for any Designating Party may designate any Discovery
 20 Material as ‘Confidential Information’ and as ‘Highly Confidential Information- Attorneys’ Eyes
 21 Only’ under the terms of the Protective Order only if such counsel in good faith believes that such
 22 Discovery Material contains such information and is subject to protection under Federal Rule of Civil
 23 Procedure 26(c). The designation by any Designating Party of any Discovery Material as
 24 ‘Confidential Information’ or ‘Highly Confidential Information—Attorneys’ Eyes Only’ shall
 25 constitute a representation that an attorney for the Designating Party reasonably believes there is a
 26 valid basis for such designation.” Protective Order ¶ 2. This Court has “broad latitude” under Rule
 27 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to,
 28

1 trade secrets or other confidential research, development, or commercial information.” *Phillips v.*
 2 *Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

3 Reckers Declaration Exhibit B includes Oracle’s billing guidelines and engagement letters
 4 with outside counsel, which Oracle has designated “Highly Confidential Information—Attorneys’
 5 Eyes Only.” Thus, these documents are filed under seal pursuant to the Protective Order based on
 6 Oracle’s representation that it reasonably believes there is a valid basis under the Protective Order for
 7 its confidentiality designation. Because the documents were designated as such by Oracle, Rimini is
 8 not in a position to provide further justification for why filing them publicly would cause Oracle
 9 harm sufficient to show good cause.

10 The redacted portions of the Reckers Declaration, and Reckers Declaration Exhibits K, L, M,
 11 and N, as well as the redacted portions of the Vander Veen Declaration, and portions of the
 12 Opposition, attach the actual Rule 68 offers of judgment that Rimini made to Oracle and Oracle’s
 13 responses to those offers, and also contain descriptions of those offers and responses. Each of the
 14 offers includes confidential pre-trial settlement offers made by Rimini under Federal Rule of Civil
 15 Procedure 68 that could competitively harm Rimini if publicly disclosed. *See Protective Order ¶ 3.*
 16 This Court previously granted Rimini’s motion to seal the offers and responses (Dkts. 962, 994), to
 17 which Oracle did not object, and Rimini therefore files these materials under seal pursuant to the
 18 Court’s order. Reckers Declaration Exhibits I and J are excerpts of depositions designated as
 19 “Confidential” under the Protective Order. In Rimini’s best judgment, these excerpts contain “non-
 20 public information or matter related to: financial or business plans or projections; . . . current or
 21 future business and marketing information, plans, and strategies; studies or analyses by internal or
 22 outside experts; customer information, data or lists; . . . competitive analyses; . . . or other
 23 commercially or personally sensitive or proprietary information.” Protective Order ¶ 3.

24 Finally, the remaining documents (including the redacted portions of the Kennedy
 25 Declaration, Trunko Declaration and Exhibits, Opsitnick Declaration, Ross Declaration, Evidentiary
 26 Objections, and portions of the Opposition), reference documents that Oracle marked as
 27 “Confidential Information” or “Highly Confidential Information—Attorney’s Eyes Only” under the
 28 Protective Order. These documents largely contain Oracle’s outside counsels’ time entries and

1 invoices; third-party time entries and invoices; rates and agreements with third party vendors; and
2 Oracle's outside counsels' hourly rates. Oracle previously filed these documents under seal based on
3 Oracle's representation that it reasonably believed there was a valid basis under the Protective Order
4 for its confidentiality designation. Dkt. 926. This Court granted Oracle's motion to seal (Dkt. 994),
5 and Rimini therefore also files these materials under seal.

6 Rimini has submitted all other portions of these documents for filing in the Court's public
7 files, which would allow public access to the filings except for the portions containing information
8 designated as "Confidential Information" or designated as "Highly Confidential Information—
9 Attorneys' Eyes Only" by Rimini, Oracle, or a third party. Accordingly, the request to seal is
10 narrowly tailored.

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13 Dated: March 8, 2016

GIBSON, DUNN & CRUTCHER LLP

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By: /s/ Blaine H. Evanson
Blaine H. Evanson

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Attorney for Defendants

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